

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY : 04 M.D. 1598 (JRS)
LITIGATION :
: Honorable Jed S. Rakoff
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Pertains to: : Pertains to Docket No.
: 06-CV-00014
HARBIR SINGH and DOINA CARAGATA, : (United States District
: Court for the
: Southern District of New
: York)
Plaintiffs, :
:
-against- :
: NOTICE OF MOTION
HERBALIFE INTERNATIONAL :
COMMUNICATION, INC., HERBALIFE :
INTERNATIONAL OF AMERICA, INC., :
and STEVE PETERSON, :
:
Defendants. :
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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law and the exhibits attached thereto and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, before the Honorable Jed S. Rakoff, at the Courthouse located at 500 Pearl Street, New York, New York, 10007, Room 14B on the ____ day of ____ or as soon thereafter as counsel may be heard, for an Order:

- a) Precluding defendants' specific causation experts John F. Dashe, M.D. and Bruce C. Zablow, M.D. from offering general causation opinions during any trial of this matter; and
- b) Precluding Defendants' specific causation experts Bruce C. Zablow, M.D. from providing any opinion testimony in the trial of the this matter because he is not a "retained expert" as no Rule 26 expert report has been provided for him; and

- c) Granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are required to be served upon the moving party in accordance with FRCP § 6.

Respectfully submitted,
RHEINGOLD, VALET, RHEINGOLD
SHKOLNIK & MCCARTNEY, LLP



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